

FILED

JUL 21 2016

AT O'CLOCK

Lawrence K. Baerman, Clerk - Syracuse

INMATE

CIVIL RIGHTS

COMPLAINT PURSUANT

PURSUANT TO

42 U.S.C. § 1983

Case No. 9:16 CV 898

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Shannon C. Dickinson Plaintiff(s)	)	INMATE
vs.	)	CIVIL RIGHTS
NYS Commission of Corrections	)	COMPLAINT PURSUANT
Thomas A. Beijen	)	PURSUANT TO
Phyllis Harrison-Ross M.D.	)	42 U.S.C. § 1983
Thomas J. Loughren	Defendant(s)	)

Plaintiff(s) demand(s) a trial by:  JURY  COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

#### JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

#### PARTIES

2. Plaintiff: Shannon C. Dickinson  
Address: 1400 State Route 9  
Lake George N.Y. 12845  
Warren County Corr. Facility

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: NYS Commission of Corrections/Thomas Loughren  
Official Position: Commissioner  
Address: 80 Swan St  
12th Floor  
Albany, NY 12210

b. Defendant: Thomas A. Beilein  
Official Position: Chairman  
Address: 80 Swan St  
12th floor  
Albany, NY 12210

c. Defendant: Phyllis Harrison-Ross M.D.  
Official Position: Commissioner  
Address: 80 Swan St  
12th floor  
Albany NY 12210

Additional Defendants may be added on a separate sheet of paper.

#### 4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

Yes  No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

Yes  No

If your answer to 4b is YES,

(i) What steps did you take? I took all proper steps in the facility grievance procedure.

(ii) What was the final result of your grievance? denied at all levels

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

Yes  No

If your answer to 4c is YES,

(i) What steps did you take? I spoke to the grievance officer, Lt Mayday, Lt Clifford and Sgt. Farmer, Transportation officers

(ii) What was the final result regarding your complaint? nothing changed, request was denied

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? \_\_\_\_\_

\_\_\_\_\_

## 5. PREVIOUS LAWSUITS

a. Have you filed other lawsuits in state or federal court relating to your imprisonment?

Yes  No

b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiff(s): Shannon C. Dickinson

Defendant(s): Warren County Corr Facility

Sheriff Nathan York

Lt Clifford

Lt Mayday

Sgt Farmer

Officer Tourage

ii. Court (if federal court, name District; if state court, name County):

Northern District of New York

iii. Docket number: 9:16-CV-152 (LEK/DEP)

iv. Name of Judge to whom case was assigned: Lawrence E. Kahn

v. Disposition (dismissed? on appeal? currently pending?): Currently Pending

vi. Approximate date of filing prior lawsuit: 2-8-16

vii. Approximate date of disposition: N/A

6.

## FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).**

See attached

## Facts

6.

① The board of Corrections failed to respond to my grievance within the 45 day allotted time period. Grievance # 2015-1245 review and appeal on 11/18/15 and Plaintiff did not receive a response until 6/9/16, well past the rules set forth in minimum Standards of County Correctional facilities § 7032.5 (d)(i).

② The board of Corrections Knowing full well the guidelines set forth in Title II Americans with Disabilities Act Archetural Guidelines for County Correctional Facilities, which includes Transportation guidelines. The board blatantly denied my grievance.

③ I believe the grievance was denied to cause Estoppel to the Plaintiff, and to intentionally stall Plaintiff until he was sentenced + removed from the Warren County Correctional facility. Wherefore fulfilling the true proverb birds of the same feather unite together. The motto of the Warren County officers, Sargents and administration is "This is Warren County, even if when we are wrong ....where right." I have been told this by multiple times by all categories of officers.

## Causes of Action

### First cause of Action

The first cause of Action is that the Plaintiff Shannon C. Dickinson sent the grievance 2015-1245 to the board of Commission of Correction for review and appeal 11/18/15 and the grievance was not responded to until 6/10/16.

The board, taking seven months to respond and in doing so, blatantly went against their own rules in Minimum Standards § 7032.5 (a)(1) "The council Shall issue a written determination to the appeal within 45 business day of receipt."

### Second cause of Action

Second, In todays age of lawsuits & liabilities, Prison officials have become increasingly aware of the potential for liability when conducting the operations, forming the policies for the prison system. Warren County Corr. Facility opened a mere 12 years ago. Being such a short time ago it would seem the facility would have made the changes to accomadate inmates with disabilities. Since Warren County Corr Facility is a "public entity" and transports inmates to and from Court, one would think the facility would have made provisions for transporting

disabled wheelchair bound inmates. Especially when the Supreme Court in its decisions, make it clear that prison officials are expected to know the constitutional rights of prisoners. These decisions place the burden on Prison officials to keep themselves apprised of the current state of law. Ignorance is not a defense when confronted with a lawsuit for monetary damages.

### Third Cause of Action

By denying the plaintiff whom was a pre-trial detainee at the time grievance, his constitutional rights still stood. These actions not only violated his 8<sup>th</sup> and 14<sup>th</sup> Amendments but was basically estopped by the Commission of Correction. If the Plaintiff could so readily find under the (ADAAG) American Disabilities Act Architectural Guidelines, § 1204 Accessible designs for Title II and III of this Act [42 USCS § 12131 ET seq 12181 ET seq] for vehicles & transportation concerning Correction Facilities, How much more so should the corrections board been able to have found them. It makes this plaintiff feel that the board denied the grievance to cause Estoppel due to knowledge of culpable Negligence not only by the Warren County Corr facility, but also by the board for taking 7 months to respond, and only then responding after another grievance 2016-0401 was written for the board not responding to the first grievance.

8. **PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff(s) request(s) that this Court grant the following relief:

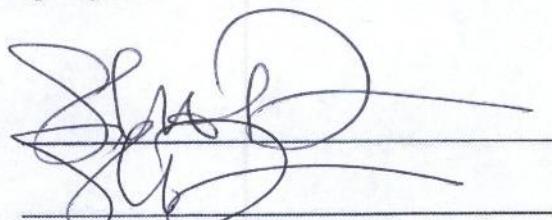
That all monetary and injunctive relief as set forth in attached complaint be granted as an ammended relief, And order Mandating Warren Co. Corr. facility get an Ombudsman to handle all grievances between inmates and Staff.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 7/13/16

ALICEN JOCKIMO  
Notary Public, State of New York  
Qualified in Warren County  
Commission Expires 07-13-2020

Alicen Jockimo



Signature of Plaintiff(s)  
(all Plaintiffs must sign)

02/2010